IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No. 68 of 2002

Date of Decision :23.4.2007…

Nanak Chand ….Petitioner.

Versus:

Himachal Framin Bank. …Respondent.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Yash Chauhan & Anil Chauhan, Advocates.

For Respondent. Mr.Ramakant Sharma, Advocate with Ms.Anita Dogra, Advocate.

Sanjay Karol, J (Oral).

The petitioner herein has assailed the orders dated 17th June, 1999 (Annexure:P-11), 26th October, 1999 (Annexure:P-13) and 4th January, 2000 (Anneuxre:P-15).

On 11th August, 1997 petitioner was charge-sheeted and served with articles of charges for his alleged mis-conduct of (i) submitting fake and bogus receipts/bills and incorrectly claiming T.A. (ii) traveling by taxi without

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

seeking prior permission of the head office (iii) claiming reimbursement of the bills and Dien Allowance amounting to Rs.675/- in respect of his family members which was inadmissible as per the rules. During the course of the inquiry, apprehending bias on the part of the Inquiry Officer, petitioner made a representation which was rejected by the authorities concerned. The inquiry was concluded after affording due opportunity to the petitioner and on 11th August, 1997 the Inquiry Officer submitted his inquiry report (Annexure:P-8) wherein he was found guilty of all the aforesaid three charges which were framed by him as Charge No.2 (a), (b) and (c). With regard to other charges, charge No.1 (a) and (b), the petitioner was found not guilty and the charges were not proved. However, they are not the subject matter in issue in the present writ petition.

Vide Annuexue:P-10, petitioner admitted to his lapses, regretted and requested the authorities to take a lenient view. Consequently, the Disciplinary Authority imposed minor penalty by way of "reprimand" in terms of order dated 7th June, 1999 (Anneuxre:P-11). In spite of his clear admission, petitioner preferred an appeal in which a show cause notice was issued to him as to why his penalty be not enhanced to "stoppage of one increment with cumulative effect". Reply to the show cause notice was submitted by the petitioner and the Board of the respondent after considering the entire material on record enhanced the penalty from "reprimand" and to "stoppage of one increment

with cumulative effect" in terms of HGB Staff Service Regulations, 1980.

I have heard learned counsel for the parties.

The learned counsel for the respondent has correctly relied upon ***State Bank of India and others Vs. Ramesh Dinkar Punde*** (2006) 7 Supreme Court cases 212 and ***Govt. of A.P. and others Vs. Mohd. Nasrullah Khan*** (2006) 2 Supreme Court Cases 373 to contend that no leniency be shown to the petitioner particularly in view of his categorical admission prior to the stage of the imposition of penalty.

The petitioner herein deserves no sympathy from the Court. There is no violation of any legal right. He has been held guilty of fabricating and submitting false bills pertaining to his claim(s) for having travelled along with his family members. Petitioner has been afforded adequate opportunity at all time. He has been supplied with the inquiry report. The allegation of bias was rightly rejected in the year 1998 itself. It is not the petitioner's case that Disciplinary Authority while passing order (Annexure:P-11) or the Appellate Authority in terms of Annexure:P-15 were not competent to pass such orders. The petitioner has failed to bring out to my notice as to which provisions and the regulations have been violated. Keeping in view the aforesaid facts and circumstances of the case, I see no reason to interfere with the inquiry report and the

consequential orders passed subsequently. . The present writ petition is dismissed with no order as to costs.

I must place on record the efforts made by Ms.Anita Dogra , learned counsel for the respondent in properly assisting this Court.

(**Sanjay Karol),**
Judge.

April 23, 2007(R)